

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 188 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 33-14-7-2 IS AMENDED TO READ AS
- 4           FOLLOWS [EFFECTIVE JULY 1, 1999 (RETROACTIVE)]: Sec. 2.
- 5           (a) A prosecuting attorney may appoint one (1) chief deputy
- 6           prosecuting attorney. The maximum annual salary paid by the state of
- 7           a chief deputy prosecuting attorney appointed under this subsection is
- 8           as follows:
- 9           (1) If the prosecuting attorney is a full-time prosecuting attorney
- 10           appointing a full-time chief deputy prosecuting attorney, the
- 11           annual salary of the chief deputy prosecuting attorney is equal to
- 12           seventy-five percent (75%) of the salary paid by the state to a
- 13           full-time prosecuting attorney.
- 14           (2) If the prosecuting attorney is a full-time prosecuting attorney
- 15           appointing a part-time chief deputy prosecuting attorney, the
- 16           annual salary of the chief deputy prosecuting attorney is equal to
- 17           seventy-five percent (75%) of the salary paid by the state to a
- 18           part-time prosecuting attorney serving the judicial district served
- 19           by the chief deputy prosecuting attorney.
- 20           (3) If the prosecuting attorney is a part-time prosecuting attorney
- 21           appointing a full-time chief deputy prosecuting attorney, the
- 22           annual salary of the chief deputy prosecuting attorney is equal to
- 23           seventy-five percent (75%) of the salary paid by the state to a
- 24           full-time prosecuting attorney.
- 25           (4) If the prosecuting attorney is a part-time prosecuting attorney
- 26           appointing a part-time chief deputy prosecuting attorney, the
- 27           annual salary of the chief deputy prosecuting attorney is equal to

seventy-five percent (75%) of the salary paid by the state to a part-time prosecuting attorney.

(b) The prosecuting attorney in a county in which is located at least one (1) institution operated by the department of correction that houses at least one thousand five hundred (1,500) offenders may appoint two (2) additional deputy prosecuting attorneys. In a county having two (2) institutions, each of which houses at least one thousand five hundred (1,500) offenders, the prosecuting attorney may appoint a third deputy prosecuting attorney.

(c) The prosecuting attorney in a county in which is located an institution operated by the department of correction that houses at least one hundred (100) but less than one thousand five hundred (1,500) ~~adult~~ offenders may appoint one (1) additional deputy prosecuting attorney.

(d) The prosecuting attorney in a county in which is located a state institution (as defined in IC 12-7-2-184) that has a daily population of at least three hundred fifty (350) patients may appoint one (1) additional deputy prosecuting attorney.

(e) If:

**(1) the population of an institution reaches a level that allows a prosecuting attorney to appoint an additional deputy prosecuting attorney under subsections (b) through (d);**

**(2) the prosecuting attorney appoints the additional deputy prosecuting attorney; and**

**(3) the population of the institution subsequently decreases below the level established in subsections (b) through (d);**

**the additional deputy prosecuting attorney may continue to serve the prosecuting attorney for the remainder of the term of office of the prosecuting attorney.**

(f) The annual salary of a deputy prosecuting attorney appointed under subsections (b) through (d) may not be less than seventy-five percent (75%) of the annual salary of the appointing prosecuting attorney, as determined under section 5 of this chapter as though the prosecuting attorney had not elected full-time status.

(g) The salaries provided in this section shall be paid by the state once every two (2) weeks from the state general fund. There is appropriated annually out of the general fund of the state sufficient funds to pay any such amount as may be necessary. However, the salaries fixed in this chapter are determined to be maximum salaries to be paid by the state. Nothing in this chapter shall limit the power of counties comprising the respective judicial circuits to pay additional salaries upon proper action by the appropriate county officials.

(g) (h) There shall also be appropriated annually by the various county councils for other deputy prosecuting attorneys, investigators, clerical assistance, witness fees, out-of-state travel, postage, telephone tolls and telegraph, repairs to equipment, office supplies, other operating expenses, and equipment an amount as may be necessary for the proper discharge of the duties imposed by law upon the office of the prosecuting attorney of each judicial circuit."

Page 2, after line 12 , begin a new paragraph and insert:

**"SECTION 3. An emergency is declared for this act."**

- 1      Renumber all SECTIONS consecutively.  
(Reference is to SB 188 as printed February 2, 2001.)

---

Representative THOMPSON